

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

CHARLIE THORNTON,)	
Plaintiff,)	
)	CIVIL ACTION NO.: 05-10210-RGS
v.)	
)	
UNITED PARCEL SERVICE, INC.,)	
Defendant.)	
)	

MOTION IN LIMINE TO EXCLUDE MCAD FINDINGS IN PLAINTIFF'S CASE

Now comes the Plaintiff, Charlie Thornton, and hereby moves this Court to prohibit counsel for the Defendant from admitting any evidence of the MCAD findings relative to this case and to order counsel to instruct his witnesses not to mention any such evidence. As grounds therefore, the Plaintiff states the following:

1. Unlike the EEOC determinations and judicial opinions which the Plaintiff seeks to admit, the Defendant *is* offering the MCAD findings for the truth of the matter asserted.
2. Therefore, the findings are inadmissible hearsay. See Fed. R. Evid. 801.
3. Moreover, such evidence is of no relevance to this case and admission of the MCAD findings on the issue of liability would usurp the function of the jury.

WHEREFORE, the Plaintiff respectfully requests that this Court prohibit any mention of this evidence.

Respectfully Submitted,
Charlie Thornton
By his attorneys

DATED: February 4, 2008

//s// Michael Tumposky
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LOCAL RULE 7.1 CERTIFICATION

Undersigned counsel certifies that the parties have conferred and have attempted in good faith to resolve or narrow the issue.

//s// Michael Tumposky
Michael Tumposky

CERTIFICATE OF SERVICE

I, Michael Tumposky, hereby certify that, on this the 4th day of February, 2008, I served a copy of this document, where unable to do so electronically, by first-class mail on all counsel of record in this matter.

//s// Michael Tumposky
Michael Tumposky